

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUEL ROUNDTREE,

Plaintiff,

-against-

NEW YORK CITY, et al.,

Defendants.

15-CV-6582 (UA)

ORDER GRANTING IFP
APPLICATION IN PRISONER CASE

LORETTA A. PRESKA, Chief United States District Judge:

Plaintiff's application for leave to proceed without prepayment of fees is granted. A prisoner bringing a civil action is required to pay the full \$350 filing fee even when proceeding *in forma pauperis*, that is, without prepayment of fees. *See* 28 U.S.C. § 1915(b)(1). The Court must collect, when funds exist in a prisoner's facility account, an initial partial filing fee¹ plus monthly payments. The agency having custody of the prisoner shall forward payments from the prisoner's facility account to the Clerk of Court each time the amount in the account exceeds \$10, until the filing fee is paid. 28 U.S.C. § 1915(b)(2); *see also* In the Matter of the Prison Litigation Reform Act, Second Amended Standing Order, M10-468 (S.D.N.Y. May 26, 2010) (requiring agencies to calculate and remit the statutory fees for litigants in their custody).

Plaintiff has executed a prisoner authorization that authorizes the agency having custody of Plaintiff, or any agency to which Plaintiff is transferred, to send a certified copy of Plaintiff's facility account statements for the past six months to this Court. The prisoner authorization further authorizes the agency to calculate the amounts specified by 28 U.S.C. § 1915, to deduct

¹ The initial partial filing fee is 20 percent of the greater of – (A) the average monthly deposits to the prisoner's facility account; or (B) the average monthly balance in the prisoner's facility account for the 6-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1)(A).

those amounts from Plaintiff's facility account (or institutional equivalent), and to disburse those amounts to this Court.

Accordingly, the Clerk of Court is directed to send a copy of this order and the prisoner authorization to the agency having custody of Plaintiff. That agency is directed to forward copies of Plaintiff's facility account statements for the past six months and to disburse the payments required under 28 U.S.C. § 1915 to the United States District Court for the Southern District of New York and to include the above docket number on the disbursement before sending it to the Court. If Plaintiff is transferred to another facility, the current facility shall provide a copy of this order to the facility to which Plaintiff is transferred. The Clerk of Court is also directed to send a copy of this order to Plaintiff. The Clerk of Court must note service on the docket.

Finally, it is Plaintiff's obligation to promptly submit a written notification to the Court if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so.

SO ORDERED.

Dated: October 8, 2015
New York, New York


LORETTA A. PRESKA
Chief United States District Judge



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

15CV6582

PRISONER AUTHORIZATION

Case Name: Juel Roundtree v. NYC, DOC, NYPD, DOJ
(Enter the full name of the plaintiff(s)) (Enter the full name of the defendant(s))

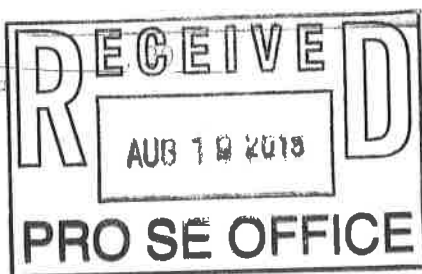
Docket No: No. _____ Civ. _____ ()
(Enter the docket number, if available; if filing this with your complaint, you will not have a docket number.)

The Prison Litigation Reform Act ("PLRA" or "Act") amended the *in forma pauperis* statute (28 U.S.C. § 1915) and applies to your case. Under the PLRA, you are required to pay the full filing fee when bringing a civil action if you are currently incarcerated or detained at any facility. If you do not have sufficient funds in your prison account at the time your action is filed, the Court must assess and collect payments until the entire filing fee of \$350.00 has been paid, no matter what the outcome of the action.

SIGN AND DATE THE FOLLOWING AUTHORIZATION:

I, Juel Roundtree (print or type your name), request and authorize the agency holding me in custody to send to the Clerk of the United States District Court for the Southern District of New York, or, if this matter is transferred to another district court, to the Clerk of the transferee court, a certified copy of my prison account statement for the past six months. I further request and authorize the agency holding me in custody to calculate the amounts specified by 28 U.S.C. § 1915(b), to deduct those amounts from my prison trust fund account (or institutional equivalent), and to disburse those amounts to the United States District Court for the Southern District of New York. This authorization shall apply to any agency into whose custody I may be transferred, and to any other district court to which my case may be transferred and by which my poor person application may be decided.

I UNDERSTAND THAT BY SIGNING AND RETURNING THIS NOTICE TO THE COURT, THE ENTIRE COURT FILING FEE OF \$350.00 WILL BE PAID IN INSTALLMENTS BY AUTOMATIC DEDUCTIONS FROM MY PRISON TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED OR EVEN IF I VOLUNTARILY WITHDRAW THE CASE.



Date signed

Juel Roundtree
Signature of Plaintiff
3491505881
Prisoner I.D. Number
GRVC
Name of current facility